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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,795	12/03/2001	Robert Michael Pettifer	CM2173	8587

27752 7590 06/11/2003

THE PROCTER & GAMBLE COMPANY
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EXAMINER

MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,795

Applicant(s)

PETTIFER ET AL.

Examiner

Brian P Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
4. The examiner makes of record that instant claim 12 recites "M is a suitable cation, preferably selected from the group consisting of Na, K, 1/2Ca, and 1/2Mg". For examination purposes, the examiner asserts that the narrow range recited in instant claim 12 is merely an exemplary range, and thus, the prior art will be applied against the

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broadest range recited in instant claim 12 (i.e. M is a suitable cation). Furthermore, the examiner suggests that applicant should delete the narrow range from instant claim 12, and add a new dependent claim that recites the narrow range recited in instant claim 12.

Claim Objections

5. Claims 11 and 13 are objected to because of the following informalities:

In instant claim 11, the term "claim10" should be amended to recite "claim 10" for grammatical purposes.

In instant claim 13, the phrase "and C₆-C₁₂ aryloxy-2-hydroxyalkyl and mixtures thereof" should be amended to recite "C₆-C₁₂ aryloxy-2-hydroxyalkyl, and mixtures thereof" to constitute a proper Markush listing.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 10, 11, 15 and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Grey et al, WO 98/28339.

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Grey et al, WO 98/28339, discloses a particle having surface properties comprising a polymer particle having an average size of no larger than 150 microns (see abstract & page 8, lines 10-18). It is further taught by Grey et al that a suitable polymer includes a chemically modified cellulose (see page 11, lines 4-9). Specifically, note Example 1 and 8G, which disclose hydroxyethyl cellulose particles and adjunct ingredients, having a particle size of less than 125 microns, per the requirements of instant claims 10, 11, 15 and 18. Therefore, instant claims 10, 11, 15 and 18 are anticipated by Grey et al, WO 98/28339.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leupin et al, U.S. Patent No. 6,384,011.

Leupin et al, U.S. Patent No. 6,384,011, discloses a laundry detergent composition comprising a hydrophobically modified cellulose material (see col. 4, line 26-col. 5, line 65); per the requirements of instant claims 10-14 and 18, 1-80% by weight of a deterative surfactant, such as a combination of anionic and nonionic surfactants (see col. 6, lines 7-65), and 0.1-80% by weight of a builder, such as silicates

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and aluminosilicates (see col. 7, line 56-col. 8, line 30), per the requirements of instant claims 15-17. It is further taught by Leupin et al that the laundry detergent composition can be in granular and compact form (see col. 12, lines 20-45), per the requirements of instant claims 10-18. Specifically, note Example 1. Leupin et al differs from the instant claims, in that Leupin et al is silent with respect to the particle size of their detergent granule.

It would have been obvious to one of ordinary skill in the art to have formulated a laundry detergent granule, as taught by Leupin et al, which contained particles having a size below 1000, 850 and 500 microns, since it is well known in the detergent art to limit the particle size of a detergent granule to achieve a desired result. Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, since limiting the particle size of a detergent granule is an obvious variation in the detergent art, absent a showing otherwise. Therefore, instant claims 10-18 are rendered obvious in view of Leupin et al, U.S. Patent No. 6,384,011.

10. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leupin et al, WO 99/14295.

Leupin et al, WO 99/14295, discloses a laundry detergent composition comprising a hydrophobically modified cellulose material (see page 4, line 28-page 7, line 7), per the requirements of instant claims 10-14 and 18, 1-80% by weight of a deterative surfactant, such as a combination of anionic and nonionic surfactants (see page 7, line 21-page 9, line 24), and 0.1-80% by weight of a builder, such as silicates

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and aluminosilicates (see page 9, line 25-page 10, line 24), per the requirements of instant claims 15-17. It is further taught by Leupin et al that the laundry detergent composition can be in granular and compact form (see page 16, lines 1-17), per the requirements of instant claims 10-18. Specifically, note Example 1. Leupin et al differs from the instant claims, in that Leupin et al is silent with respect to the particle size of their detergent granule.

It would have been obvious to one of ordinary skill in the art to have formulated a laundry detergent granule, as taught by Leupin et al, which contained particles having a size below 1000, 850 and 500 microns, since it is well known in the detergent art to limit the particle size of a detergent granule to achieve a desired result. Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, since limiting the particle size of a detergent granule is an obvious variation in the detergent art, absent a showing otherwise. Therefore, instant claims 10-18 are rendered obvious in view of Leupin et al, WO 99/14295.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Bpm

Brian Mruk
June 9, 2003

Brian P. Mruk

Brian P. Mruk
Patent Examiner
Tech Center 1700